

MEETING RECORD

NAME OF GROUP:

City Board of Zoning Appeals

DATE, TIME AND

PLACE OF MEETING:

Friday, November 19, 2004, 1:30 p.m., Hearing Chambers,
County-City Building, 555 South 10th Street, Lincoln, Nebraska

MEMBERS AND OTHERS

IN ATTENDANCE:

Members: Gene Carroll, George Hancock, Gerry Krieser
and Tom Wanser. Linda Wibbels absent.
Others: Terry Kathe (Building & Safety), Tonya Skinner
(City Law Dept.), Greg Czaplewski and Michele
Abendroth (Planning Dept.), applicants and
other interested parties.

STATED PURPOSE

OF THE MEETING:

Regular Meeting of the City Board of Zoning Appeals

Mr. Carroll called the meeting to order at 1:31 p.m.

Approval of the minutes of the October 29, 2004 meeting

Mr. Krieser made a motion to approve the October 29, 2004 minutes, seconded by Mr. Wanser. Motion carried 4-0. Carroll, Hancock, Krieser and Wanser voting 'yes'; Wibbels absent.

Appeal No. 2374 by Mark Hunzeker for a variance of the front and side yard setbacks on property generally located at 1700 Center Park Road.

PUBLIC HEARING

November 19, 2004

Mark Hunzeker, appearing on behalf of the owner Pegler Sysco, began by stating that the original building was built in 1965 with expansions in 1976 and 1982. There was another building purchased which runs out to Center Park Road. It is a 16 acre site, which seemed adequate at the time the original building was purchased. The continual expansion has made the space tight. The area at the far east end of the site is used for truck service area and parking. It has been suggested by Planning staff that the business has outgrown this site and should possibly consider relocating. He believes that is short-sighted for Lincoln and could possibly cause the business to move outside of Lincoln. It was also suggested by Planning staff to contact the neighbors to see if they could use any under-utilized parking, but that has been done already. Another suggestion to re-zone this land seems to be onerous for this one owner to have to do that. The exact same condition would result and seems to be a useless avenue to pursue.

Mr. Hunzeker continued by stating that the expansion of the freezer is not expected to result in a material increase in the number of employees. They have explored the possibility of off-site space which would free up 75,000 square feet of space, but it would only result in the net change of one employee on this site. So this would not change the parking needs.

Mr. Hunzeker feels there are no realistic alternatives for sales people or visitors to have reasonably accessible parking on this site. The only other spaces available are on the street which results in congested streets.

He feels they meet the requirements for a variance for parking. This variance would only be to the extent necessary to permit the owner a reasonable use of the land. There are peculiar and unusual circumstances with this lot. The continued location of this business in Lincoln is important to the City of Lincoln. They

feel it will reduce the congestion in the street and maintain the industrial street for the truck traffic that is already on it.

Mr. Wanser asked about the specific variance requested. Mr. Hunzeker stated that they are just requesting additional parking on the west and south sides of the building for guests. Mr. Wanser stated that the requirements of the existing user make the property tight. He asked if there would be an ongoing problem even with the variance. Mr. Hunzeker stated that the additional freezer space will not require additional employees.

Mr. Hancock asked how many additional stalls would be gained because of the variance. Mr. Hunzeker responded that they would gain 18 spaces on the front of the building and 9 on the west side. Mr. Hancock asked how large the new freezer facility would be. Mr. Hunzeker replied that it is between 36,000-48,000 square feet.

Mr. Hancock asked if the new parking would meet code if this application was denied and the new facility was built. Mr. Hunzeker stated that it would meet the minimum requirement of the zoning ordinance. Terry Kathe added that when you use the employee ratio, you need to set apart land that is available for the additional parking that would be required by the square footage.

Mr. Krieser asked if the area would be signed for guest parking. Mr. Hunzeker stated that it would.

Mr. Carroll asked if there was further testimony in favor of or against the appeal. With no one appearing further, Mr. Carroll closed the hearing.

ACTION

November 19, 2004

Mr. Wanser moved approval of the application, seconded by Mr. Krieser.

Mr. Wanser stated that the reason he is having such a hard time with this application is because he believes the hardship for the customer parking is real. He wants to err on the side of helping a long-term employer of the City. Mr. Krieser stated that since the parking is for customers only, he feels it is okay to grant this variance.

Mr. Hancock stated that he is having a difficult time with this as well, because parking is a problem.

Mr. Carroll stated that at this point in time the applicant has other places to park on their property. Right now there is no hardship for them to park in other places that they own. Mr. Wanser clarified that guest parking is the problem. The real issue is the location of the limited parking and the accessibility to where they need to do their business. Mr. Carroll stated that clearly all of the parking around the office area cannot be for visitors. He believes they have enough room for parking near the offices if the employees park to the east.

Motion for approval carried 3-1. Hancock, Krieser and Wanser voting 'yes'; Carroll voting 'no'; Wibbels absent.

Appeal No. 2377 by Greg Osborn for a variance to the height of a fence on property generally located at 1144/1140 Manchester Drive

PUBLIC HEARING

November 19, 2004

Roy Askren of A&A Vinyl Inc., appearing on behalf of Faye and Greg Osborn, stated that their purpose today is to request a variance of the height of the fence at their property. One neighbor has complained about the height of the fence. They have ensured that the fence will not restrict any of the neighbor's views of the lake.

Mr. Hancock asked why they feel they need a fence between the houses. Mr. Askren stated that it is for privacy reasons.

Mr. Carroll asked if there was further testimony in favor of or against the appeal. With no one appearing further, Mr. Carroll closed the hearing.

ACTION

November 19, 2004

Mr. Hancock moved to deny the application, seconded by Mr. Krieser.

Mr. Wanser asked if the height of the fence includes the retaining wall if the fence is built on top of a retaining wall. Mr. Kathe responded that the measurement is from the bottom of the retaining wall to the top of the fence.

Motion to deny carried 4-0. Carroll, Hancock, Krieser and Wanser voting 'yes'; Wibbels absent.

There being no further business, Mr. Carroll adjourned the meeting at 2:14 p.m.